

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTONIO RUGGIA,

Plaintiff,

v.

9:05-CV-0217
(LEK)(GHL)

KELLY S. KOZAK, Sex Offender Counselor
at Auburn Correctional Facility, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

ANTONIO RUGGIA, 89-A-1115
Plaintiff, *Pro Se*
Great Meadow Correctional Facility
P.O. Box 51
Comstock, NY 12821

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Counsel for Defendants
615 Erie Boulevard West, Suite 102
Syracuse, NY 13204

MARIA MORAN, ESQ.

GEORGE H. LOWE, UNITED STATES MAGISTRATE JUDGE

ORDER

On November 13, 2006, the Court issued a Decision and Order addressing three motions filed by Plaintiff. (Dkt. No. 68.) With respect to one of those motions, to compel discovery, the Court granted the motion in part and denied it in part. In particular, the Court directed Defendants to produce certain documents unless they provided the documents to the Court for *in camera* review and articulated “a specific and compelling reason for not [producing them] because of institutional safety and security reasons.” (Dkt. No. 68 at 7-8.) Defendants responded

by two letters, dated December 20, 2006. (Dkt. No. 71; Dkt. No. 76 [filed under seal].) Plaintiff submitted an “Objection” dated December 29, 2006. (Dkt. No. 75.) The Court subsequently sought further clarification of Defendants’ position (Dkt. No. 74), and they responded by letter dated January 12, 2007. (Dkt. No. 77 [filed under seal].)


Following a review of the submissions, I find that, because of institutional safety and security concerns, Defendants are directed to produce *only* the following:

1. The “Summary” of Ms. Kozak’s background and the redacted copy of the Training History Report; and
2. Those materials from the Inspector General’s file that Defendants have agreed to produce, sometimes with redactions, as reflected in the summary provided with counsel’s letter of January 12, 2007.¹

With respect to dispositive motions, the date for filing any such motions was stayed without date. (Dkt. No. 73.) That date now is reset to **February 23, 2007.**

IT IS SO ORDERED.

Dated: January 23, 2007
Syracuse, New York


George H. Lowe
United States Magistrate Judge

¹ In the Decision and Order of November 13, 2006, I raised the appointment of counsel as a possible way to resolve the issue. (Dkt. No. 68 at 8.) Under the circumstances I find that appointment of counsel is not necessary.